

WATER COUNCIL MEETING

NH Dept. of Environmental Services
29 Hazen Dr., Concord, N.H.

February 9, 2011
9:00 a.m.

Members present: Vice Chairman Christie, Councilors Butler, Czysz, Hinds, Lyons, Rawnsley, and Varotsis

Members absent: Chairman Gilbert, Councilors Barrett, Densberger, Dupee, Gosse, Harrington, Henderson, Rastallis,

Vice Chairman Christie called the meeting to order at 9:05 a.m. and thanked those in attendance. It was noted that a quorum was not in attendance and the Council decided to continue with a meeting with no actions to be taken.

1. Approval of Minutes of December 8, 2010 Meeting

As a quorum was not present these will be voted on at the March meeting.

3. Env-WQ 1000 Amendments to Subsurface Rules

Rob Tardif, Subsurface Acting Administrator

It was decided to send the newly updated rules to the Council for the Council to review further at the March 9th meeting. Then to have sent a summary of public comments and changes made after the public hearing.

2. Status of Appeals

Amy Samson, Appeals Clerk, presented an update on a number of appeals.

I. New appeals.

Docket No. 11-01 WC – Jean Gagnon Sr.

RE: Site Specific Application #060705-01 for Terra Firma Real Estate, Brown Hill Rd Phase III
Presiding Officer: Not Assigned

Status: Appeal received February 1, 2011. Clerk finished appeal review yesterday. No quorum present so will be addressed at the March meeting.

Docket No. 10-25 WC – Robert Van Dyke and Van Dyke Construction, Inc.

RE: October 25, 2010 Administrative Order No. 10-042 WD

Presiding Officer: Not Assigned

Status: No quorum present so will be addressed at the March meeting.

II. Previously pending cases.

Docket No. 04-19 WC - Town of Newport

RE: Denial of a Request for Waiver of Env-Ws 386.56(h)(12), (14), (18)

Status: Appeal has been withdrawn.

Docket No. 08-54 WC - Loretta Simonds

RE: 8/8/08 Decision on Request for Reconsideration

Status: A hearing is scheduled for March 9, 2011 at 10:00 a.m.

Docket Nos. 08-57 & 08-59 WC - Eric W. Waleryszak, Brian T. and Adela J. Griset Appeal

RE: Notice and Decision on the Determination of Lake Level issued by DES on 9/29/08
Status: Reschedule PHC.

Docket No. 09-05 WC - North Country Alliance for Balanced Change (Dalton Valley Drag)

RE: 12/12/08 Alteration of Terrain Permit WPS 8289 for Dalton Valley Drag
Status: Attached to the status report was a request for the appeal to continue to be stayed.

Docket No. 09-14 WC - Andrew and Karen Goldstein

RE: 3/17/09 Administrative Order No. 09-006 WD
Status: A hearing is scheduled for April 13, 2011 at 10:00 a.m.

Docket No. 09-24 WC – Lake Sunapee Protective Association

RE: 4/16/09 Alteration of Terrain Permit WPS-8382
Recused Members: Carol Henderson; Johanna Lyons; and Nancy Christie
Status: Additional documents received were distributed. A decision and order needs to be finalized.

Docket No. 09-34 WC – Ashuelot Pond Association

RE: 8/28/09 Notice of Decision on Determination of Lake Level for Ashuelot Pond Dam Village District
Status: Reschedule PHC.

Docket No. 10-09 WC – Lake Waukewan

RE: Notice of Decision, Interim Operating Level issued by DES on 4/12/10
Presiding Officer: Christopher Rawnsley
Status: Reschedule PHC.

III. Decision and Orders that need to be written, finalized and issued.

Docket No. 04-18 WC - Thaddeus Dymon

RE: Denial of a Request for Waiver of Env-Ws 386.56(h)(12), (14), (18)
Status: Council dismissed at the September 8, 2010 Council meeting. A Decision and Order needs to be finalized.

Docket No. 08-27 WC - Moody Point Company

RE: 5/19/08 Administrative Order No. 08-027 WD
Status: A decision and order is currently being drafted

Docket No. 08-29 WC - Silver Lake

RE: Notice of Determination of Natural Mean High Water Mark Evaluation dated 5/29/08
Presiding Officer: Stephen Densberger
Status: A decision and order has been drafted and will be sent via e-mail before the end of next week for review. Council to vote whether or not to accept final draft at the next Council meeting.

Docket No. 08-61 WC - Norman and Patricia Bureau

RE: 11/4/08 Administrative Order No. 08-044 WD - Alteration of Terrain at 5 Christopher Road & 6 Steep St., in Merrimack

Status: A decision and order is currently being drafted.

Docket No. 09-27 WC – Homes for a Life Time, LLC

RE: 5/28/09 Denial of Alteration of Terrain Permit Application No. 081231025

Status: A decision and order is currently being drafted.

4. Env-Wq 1708 Amendments to the Water Quality Regulations

Paul Currier, Watershed Bureau Administrator

Paul was asked to come back to answer questions in March.

5. Legislative Update

Director Stewart

Director Stewart distributed the latest bills of interest that DES is tracking. He then reviewed these House and Senate bills with the council. It was discussed that any action taken on legislative matters be done as individuals and not as the Council.

The legislative calendar put out by DES will be forwarded on to the Council members each Friday.

6. Other Business

The highlights of the luncheon for John Bridges were shared.

7. Next Meeting

Next meeting will be March 9, 2011 at 9 a.m. with a hearing at 10 a.m.

8. Adjournment

- ***Councilor Varotsis made a motion to adjourn, second by Councilor Lyons. Motion passed unanimously.***

Meeting was adjourned at 10:15 a.m.